

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MK OPTICS, LLC)
Plaintiff,)
v.) Civil Action No. _____
BOSTON SCIENTIFIC CORPORATION)
Defendant.)

) **JURY TRIAL DEMANDED**

)

COMPLAINT

For its Complaint, Plaintiff MK Optics, LLC ("MK Optics"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. MK Optics is a Delaware limited liability company with a place of business at 1619 Nashville Avenue, New Orleans, Louisiana 70115.
2. Defendant Boston Scientific Corporation is a Delaware corporation with, upon information and belief, a place of business located at One Boston Scientific Place, Natick, Massachusetts 01760.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
5. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses

of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

6. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

BACKGROUND

7. On July 18, 2000, United States Patent No. 6,091,872 (the "872 patent"), entitled "Optical Fiber Imaging System," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '872 patent is attached hereto as Exhibit A.

8. MK Optics is the assignee and owner of the right, title and interest in and to the '872 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,091,872

9. MK Optics repeats and realleges the allegations of paragraphs 1 through 8 as if fully set forth herein.

10. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '872 patent by making, using, importing, offering for sale, and/or selling apparatuses that include a fiber optic bundle and a charge coupled device and that are used for viewing an object, including, but not limited to, Spyglass Direct Visualization System.

11. MK Optics is entitled to recover from Defendant the damages sustained by MK Optics as a result of Defendant's infringement of the '872 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

MK Optics hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, MK Optics requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '872 patent;
- B. An award of damages to be paid by Defendant adequate to compensate MK Optics for Defendant's infringement of the '872 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of MK Optics' reasonable attorneys' fees; and
- D. An award to MK Optics of such further relief at law or in equity as the Court deems just and proper.

Dated: October 14, 2014

STAMOULIS & WEINBLATT LLC

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